

LABEL, IN PART: (Box) "12 Waterproof Blue Cross Sterile Adhesive Bandages."

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be "Adhesive Absorbent Gauze [or "Adhesive Absorbent Compress"]," a drug the name of which is recognized in the United States Pharmacopeia, an official compendium, and the quality and purity of the article fell below the official standard since the article was not sterile but was contaminated with living micro-organisms.

Misbranding, Section 502 (a), the label statement "Sterile" was false and misleading.

DISPOSITION: October 1, 1954. A default decree was entered providing for destruction by the marshal, on or before October 30, 1954, of the 214 cartons of the product actually seized, unless prior to that time the product be given to a charitable institution with the understanding that it be sterilized before using.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

DRUGS FOR HUMAN USE *

4476. Misbranding of Biochemic homeopathic drugs. U. S. v. 10 Boxes, etc.
(F. D. C. No. 36407. Sample Nos. 64379-L to 64389-L, incl.)

LABEL FILED: March 26, 1954, Western District of Washington.

ALLEGED SHIPMENT: At various times during 1953, by the Kansas City Homeopathic Pharmacy, from Kansas City, Mo.

PRODUCT: 10 boxes of *Biochemic No. 1*, 43 boxes of *Biochemic No. 2*, 38 boxes of *Biochemic No. 3*, 17 boxes of *Biochemic No. 4*, 24 boxes of *Biochemic No. 5*, 36 boxes of *Biochemic No. 7*, 17 boxes of *Biochemic No. 8*, 23 boxes of *Biochemic No. 9*, 10 boxes of *Biochemic No. 10*, 25 boxes of *Biochemic No. 11*, and 13 boxes of *Biochemic No. 12*, at Everett, Wash., in possession of June's Food Store, together with accompanying labeling consisting of a booklet designated "Indications For The Use of Dr. Schussler's Twelve Tissue Remedies The More Common Diseases and Their Treatment * * * Compiled and Arranged by Julius C. Wise, M. D. * * * Kansas City, Missouri." Each box contained 1 ounce.

RESULTS OF INVESTIGATION: The products were shipped in bulk from Kansas City, Mo., and upon their receipt by the consignee, were repackaged and relabeled. The above-mentioned booklet was issued by the shipper of the products and was made available by the consignee for the use of customers in selecting the above-mentioned drugs for self-treatment of various diseases.

LABEL, IN PART: (Box) "Biochemic No. 1 Active Ingredient Calcium Floride," "Biochemic No. 2 Active Ingredient Calcium Phosphate," "Biochemic No. 3 Active Ingredient Calcium Sulphate," "Biochemic No. 4 Active Ingredient Iron Phosphate," "Biochemic No. 5 Active Ingredient Potassium Chloride," "Biochemic No. 7 Active Ingredient Potassium Sulphate," "Biochemic No. 8 Active Ingredient Magnesium Phosphate," "Biochemic No. 9 Active Ingredient Chloride of Sodium," "Biochemic No. 10 Active Ingredient Phosphate of Soda," "Biochemic No. 11 Active Ingredient Sodium Sulphate," and "Biochemic No. 12 Active Ingredient Silica."

*See also Nos 4469, 4472-4475.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the above-mentioned booklet accompanying the articles were false and misleading since the articles were not adequate and effective treatments for the diseases, conditions, and purposes stated and implied. The statements represented and suggested—

(a) That the *Biochemic No. 1* was an adequate and effective treatment for tumors, piles, varices, varicose veins, aneurism, relaxed uvula, prolapse of womb, opacities of cornea, ganglion, hard lumps in female breast, lumpy, hard, horny growths of the tissues, cracked hands, hardened mammary glands, glandular swellings, cataract, sagging abdomen, hardened exudations, induration of testicle, suppuration, psoriasis, ozaena, knots, backache, bone bruises, cough, and catamenia.

(b) That the *Biochemic No. 2* was an adequate and effective treatment for rachitis, craniotabes, chlorosis, hydrocephalus, deficient development of children and young people, emaciation without apparent cause, suppuration of bones, uniting fractured bones, spinal weakness and curvature, teething disorders, improper development of teeth, rapid decay, convulsions of scrofulous persons, and as a restorative after acute diseases.

(c) That the *Biochemic No. 3* was an adequate and effective treatment for suppurations, abscesses, boils, buboes, suppurating burns and scalds, carbuncles, felons, pustules, milk crusts, mastitis, discharge of matter from the ear, expectoration of pus, gonorrhea, quinsy, sore throat, ulcerations of glands, and ulcers on legs.

(d) That the *Biochemic No. 4* was an adequate and effective treatment for all congestions, inflammations, fevers, rheumatism, vomiting, cough, colds, hemorrhages, hemorrhoids, congestive headache, incontinence of urine from weak sphincter, congestion, croup, deafness, diarrhea, earache, erysipelas, swellings, gonorrhea, gum boils, fever, palpitation, quinsy, scarlet fever, sprains, and wounds.

(e) That the *Biochemic No. 5* was an adequate and effective treatment for croup, diphtheria, dysentery, pneumonia, chronic catarrh, coughs, deafness from catarrh of eustachian tubes, skin eruptions with small vesicles, ulcerations, leucorrhea, coryza, constipation, ear diseases, chancre, dropsy, excoriation, gastritis, gonorrhea, hemorrhoids, hoarseness, whooping cough, liver diseases, lungs, measles, meningitis, menstruation, mumps, orchitis, pimples, pleurisy, childbed fever, fevers, rheumatism, scarlet fever, sick headache, swellings, sycosis, sore throat, and quinsy.

(f) That the *Biochemic No. 7* was an adequate and effective treatment for bronchitis, skin diseases, scarlet fever, dandruff, dyspepsia, catarrh of the stomach, catarrh of the bowels, diarrhea, leucorrhea, ophthalmia, and too late or too scanty menstruation.

(g) That the *Biochemic No. 8* was an adequate and effective treatment for all diseases having their origin in the nerve cells or in the terminal bulbs of the nerves, spasms, cramps, St. Vitus's dance, epilepsy, spasmodic retention of urine, colic, paralysis, neuralgic pains in the head, face, teeth, stomach, and abdomen, labor pains, menstrual colic, ovarian pains, puerperal states, palsy, stricture, squinting, difficult dentition, tetanus, and trembling.

(h) That the *Biochemic No. 9* was an adequate and effective treatment for headache, toothache, face ache, stomach ache, catarrhal affections of mucous membranes, small watery blisters, hay fever, diarrhea, conjunctivitis, and leucorrhea.

(i) That the *Biochemic No. 10* was an adequate and effective treatment for acidity, sour belching and rising of fluids, sour vomiting, diarrhea, colic, spasms, fever, ague, gastric derangement, heartburn, indigestion, and intestinal worms.

(j) That the *Biochemic No. 11* was an adequate and effective treatment for biliousness, excess of bile, bitter taste, greenish brown or grayish green tongue, bilious vomiting, vomiting of bile, jaundice, dropsy from diseases of the liver and scarlatina, bilious headache, intermittent fever, diabetes, erysipelas, gravel, polyuria, and edema of prepuce and scrotum.

(k) That the *Biochemic No. 12* was an adequate and effective treatment for paralytic conditions in general, profuse night sweats, caries, necrosis, inflammation, swelling and bending of bones (rachitis), scrofulous complaints, ailments following vaccination, ulcerations of all kinds, felons, fistula, glandular swellings, ulcerative consumption with expectorations of pus, lacrimal fistula, and constipation.

The articles were misbranded when introduced into, while in, and while held for sale after shipment in, interstate commerce.

DISPOSITION: August 2, 1954. Default decree of condemnation and destruction.

4477. Misbranding of alfalfa seed. U. S. v. 69 Bags, etc. (F. D. C. No. 36436. Sample Nos. 83824-L, 83825-L.)

LIBEL FILED: March 8, 1954, District of North Dakota.

ALLEGED SHIPMENT: Between the approximate dates of January 1 and July 1, 1953, from Moorhead, Minn.

PRODUCT: 69 unlabeled 1-pound bags and 69 labeled 1-pound envelopes of *alfalfa seed* at Fargo, N. Dak., in possession of the Fargo Seed House.

RESULTS OF INVESTIGATION: The product was shipped in bulk from Moorhead, Minn., and after its receipt by the Fargo Seed House, it was repackaged and a portion was relabeled.

LABEL, IN PART: (Envelope) "Sunland Grown Alfalfa For Tea 'Fargo Seed House' Fargo, N. Dak."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the accompanying labeling of the article, namely, in a clipping of an advertisement from a local newspaper on display on the show case in the store of the Fargo Seed House, were false and misleading. The statements represented and suggested that the article was an adequate and effective treatment for arthritis and rheumatism, whereas the article was not an adequate and effective treatment for such conditions. The article was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: July 20, 1954. Default decree of condemnation. The court ordered that the product in the labeled envelopes be destroyed and that the product in the unlabeled bags be sold.

4478. Misbranding of Whitmer's Black Diamond liniment, Whitmer's Red Carmine, and Whitmer's Eureka. U. S. v. H. C. Whitmer Co. and Fred C. Whitehouse. Pleas of not guilty. Tried to the jury. Verdicts of guilty for company and not guilty for individual. Fine of \$750, plus costs, against company. (F. D. C. No. 34344. Sample Nos. 11119-L, 11120-L, 11122-L.)